

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
3

4 JERRY DENNARD HOLLOWAY
5 aka STEPHAN DARRELL WILLIAMSON,

6 Petitioner

7 vs.

8 STATE OF NEVADA, *et al.*,

9 Respondents
10

Case No. 2:17-cv-01416-JAD-CWH

Order Dismissing Action

11 This is a *pro se* petition for a writ of habeas corpus filed under 28 U.S.C. § 2254 by a
12 Nevada state prisoner. Neither a filing fee nor an application to proceed *in forma pauperis* was
13 submitted with the petition. When filing a habeas action, petitioner must either submit the \$5.00
14 filing fee for habeas petition or an application to proceed *in forma pauperis*. Due to the lack of
15 an *in forma pauperis* application or filing fee, this case will be dismissed without prejudice to the
16 filing of a new petition in a new action with a pauper application with all required attachments.
17 It does not appear from the papers presented that a dismissal without prejudice would result in a
18 promptly-filed new petition being untimely.

19 **IT IS THEREFORE ORDERED** that this action is **DISMISSED** without prejudice to
20 the filing of **a new petition in a new action**. Petitioner at all times remains responsible for
21 calculating the running of the limitations period as applied to his case and properly commencing
22 a timely-filed habeas corpus action.

23 **IT IS FURTHER ORDERED** that the Clerk of the Court shall send petitioner the
24 following: (1) two copies of an *in forma pauperis* application form for a prisoner and one copy of
25 the instructions for the application, (2) two copies of a blank 28 U.S.C. § 2254 habeas petition
26 form and one copy of instructions for the petition; and (3) a copy of the petition (ECF No. 1-1).

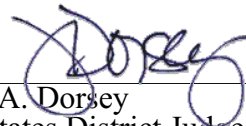
27 **IT IS FURTHER ORDERED** that **petitioner may file a new petition in a new action,**
28 **but may not file any more documents in this action.**

1 **IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED**.

2 Reasonable jurists would not find the dismissal of the improperly-commenced action without
3 prejudice to be debatable or wrong.

4 **IT IS FURTHER ORDERED** that the Clerk of the Court shall enter judgment
5 accordingly and close this case.

6 DATED: May 31, 2017

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Jennifer A. Dorsey
United States District Judge